Filed 7/30/19 In re M.T. CA2/3

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re M.T., a Person Coming Under the Juvenile Court Law.	B294452
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. MARQUIS M., Defendant and Appellant.	(Los Angeles County Super. Ct. No. 18CCJP03522A)

APPEAL from an order of the Superior Court of Los Angeles County, Danette J. Gomez, Judge. Affirmed.

Daniel G. Rooney, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

Marquis M. (father) appeals from the juvenile court's order removing his daughter, M.T., from his custody. Father contends the jurisdictional finding under Welfare and Institutions Code,[1] section 300, subdivision (a) is unsupported by substantial evidence. For the reasons set forth below, we affirm.

BACKGROUND

Father and M.T. were living together in a motel along with father's girlfriend. The Department of Children and Family Services (DCFS) received a referral alleging father pushed and punched his girlfriend in the mouth at the motel. Father was arrested and charged with intimate partner battery with injuries. M.T. was not injured and was not present during the incident.

DCFS filed a section 342 petition alleging M.T. was at risk of harm due to father engaging in a violent altercation with his girlfriend. The petition alleged two counts against father under section 300, subdivision (a) and (b)(1). Both counts were based on the same allegations of domestic violence. The juvenile court sustained the petition as to both counts, but struck the allegation that the domestic violence took place in the presence of M.T. The juvenile court removed M.T. from father's custody, granted him monitored visits, and ordered him to participate in a 52-week certified domestic violence program.

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[1] All further statutory references are to the Welfare and Institutions Code.

Father challenges the juvenile court's jurisdictional finding under count a-1, alleging there was a substantial risk that M.T. will suffer serious physical harm inflicted nonaccidentally by father. Father does not, however, challenge the jurisdictional finding under count b-1.

DISCUSSION

"In a challenge to the sufficiency of the evidence to support a jurisdictional finding, the issue is whether there is evidence, contradicted or uncontradicted, to support the finding. In making that determination, the reviewing court reviews the record in the light most favorable to the challenged order, resolving conflicts in the evidence in favor of that order, and giving the evidence reasonable inferences. Weighing evidence, assessing credibility, and resolving conflicts in evidence and in the inferences to be drawn from evidence are the domain of the trial court, not the reviewing court. Evidence from a single witness, even a party, can be sufficient to support the trial court's findings." (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 450–451.) "When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing court can affirm the juvenile court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence." (*Id.* at p. 451.)

Father challenges only count a-1 of the petition. He does not challenge count b-1, which contained the same language as count a-1 and was based on the same incident. Thus, irrespective

of father's challenge to count a-1, the juvenile court will still have jurisdiction over M.T. based on count b-1.

Nevertheless, father contends that we should exercise our discretion to reach the merits of his appeal because the juvenile court's jurisdictional finding as to count a-1 could be prejudicial to him, negatively impact the current or future dependency proceedings, or could have other consequences for father beyond jurisdiction. (See *In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763.) Father has not identified and we have not found any legal or practical consequences that would result if we were to grant the relief father requests. Both counts are based on identical allegations and thus father's challenge to a single count does not present a genuine jurisdictional challenge, but merely raises a purely abstract question of law. As such, we decline to reach the merits of father's appeal.

DISPOSITION

The order is affirmed.
NOT TO BE PUBLISHED.

DHANIDINA, J.

We concur:

LAVIN, Acting P. J.

EGERTON, J.